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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 3236/2016**

KAMALPREET KAUR LAMBA

..... Petitioner

Represented by: **Mr. Rohit Nagpal, Advocate.**

versus

STATE & ANR.

..... Respondents

Represented by: **Mr. Amit Ahlawat, APP for the State.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

27.09.2016

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1. Aggrieved by the order dated 18th November, 2015 dismissing the revision petition filed by the petitioner against the order dated 13th March, 2015 passed by the learned Chief Metropolitan Magistrate dismissing the application of the petitioner under Section 156 (3) Cr.P.C. the petitioner prefers the present petition.

2. The allegations of the petitioner in the complaint were that the petitioner was a victim of threat perpetrated by her husband who has been residing at different addresses and in the proceedings before the competent court produced rent agreements in proof of his paying the rent. It is alleged that the respondent No.2 manufactures false documents and on two such complaints of the petitioner FIR Nos. 787/2014 and 1072/2014 under Sections 465/467/468/471/472/475/34/187/120B IPC have been registered at PS Janakpuri, the respondent No.2 was arrested and sent to judicial

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custody.

3. The respondent No.2 again, to respond to the claim of the petitioner for maintenance, filed copy of the rent agreement dated 3rd July, 2010 executed between him and Sardar P.S. Sethi in the Court stating that he was residing at WZ-9/2A-3, New Sahibpura, Prithvi Park, Krishna Nagar, Gali No.1, New Delhi though earlier he had been representing that he was residing at A-1/205, Janakpuri. When the complainant verified the authenticity of the rent agreement by filing an application under RTI, it was revealed that the said stamp paper relied upon by the respondent No.2 had been issued to one M/s Thakur and Kohli on 2nd July, 2010 and not to respondent No.2. Further the stamp of the Notary was also found to be fabricated hence registration of FIR was sought.

4. Learned CMM vide order dated 13th March, 2015 noted that the relevant documents to prove the offence against the respondent had already been obtained by the petitioner under RTI and thus entire evidence being in her possession and as no recovery was required to be made through the process of police investigation, no case for direction to register FIR under Section 156 (3) Cr.P.C. was made out and proceeded with the complaint case. Similar view was expressed by the Additional Sessions Judge.

5. As noted above over the period of time, the petitioner has already collected material to show that the stamp paper utilised for the rent agreement was not issued in the name of respondent No.2 and the stamp and signatures of the Notary Public were also forged and fabricated. Since those witnesses can easily be called for examination before the Court and if need be the Court can get conducted a limited inquiry under Section 202

Cr.P.C., I find no reason with interfere in the two orders passed by the learned Additional Sessions Judge and the learned CMM declining to pass directions under Section 156 (3) Cr.P.C. for registration of the offence.

6. Petition is dismissed.

MUKTA GUPTA, J.

SEPTEMBER 27, 2016

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